UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:17-cy-50-FDW

CHRISTOPHER LEE MICHELSON,)	
Plaintiff,)	
vs.	ORDEI	<u> </u>
VAN DUNCAN, et al.,)	
Defendants.)	

THIS MATTER is before the Court on Plaintiff's "Notice to Voluntarily Dismiss his Claims Against Defendant Mike Lamb." (Doc. No. 154).

The *pro se* incarcerated Plaintiff filed this civil rights actions pursuant to 42 U.S.C. § 1983 with regards to incidents that allegedly occurred at the Lanesboro Correctional Institution. The Amended Complaint, (Doc. No. 15), passed initial review on claims against an FBI agent and Asheville Police Department Detective and Sergeant on claims that they failed to protect Plaintiff after he provided assistance on an investigation, resulting in Plaintiff's assault by another inmate. (Doc. No. 20). After a Motion to Dismiss and Plaintiff's withdrawal of some claims, the case remains pending against Detective Stephen Coon and Sergeant Mike Lamb. Trial is set for the term commencing November 4, 2019. (Doc. No. 152).

Plaintiff has now filed this Notice seeking to voluntarily dismiss the claims against Defendant Lamb. The Court construes the Notice as a Motion for Voluntary Dismissal of the action against Defendant Lamb without prejudice pursuant to Rule 41(a)(2). Defendants may, within **twenty (20) days** of this Order, respond to Plaintiff's Motion seeking voluntary dismissal of the claims against Defendant Lamb without prejudice.

IT IS THEREFORE ORDERED that Plaintiff's Notice, (Doc. No. 154), is construed as a Motion for Voluntary Dismissal of the action against Defendant Lamb without prejudice pursuant to Rule 41(a)(2), to which Defendants may respond within **twenty (20) days** of this Order.

Signed: June 20, 2019

Frank D. Whitney

Chief United States District Judge